

From: Hupp, Sydney
Location: Administrator's Office
Importance: Normal
Subject: Meeting with Gov. Sandoval
Start Date/Time: Tue 4/25/2017 9:00:00 PM
End Date/Time: Tue 4/25/2017 9:30:00 PM

Topic: CERCLA 108(b) hard rock mining regulations, a local mine that we've been working with EPA Region 9 on (to avoid Superfund) and funding for the EPA delegated programs for air and water

Location: Administrator's Office

Staffing: Tate and Troy

Attendees:

POC: Ryan McGinness: ryan@nevadadc.org

To: AO OPA OMR CLIPS[AO_OPA_OMR_CLIPS@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]; Hull, George[Hull.George@epa.gov]
From: Sparacino, Jessica
Sent: Fri 7/14/2017 7:13:28 PM
Subject: OMR Daily Wrap 7/14/17

Air & Radiation

BNA (Sylvia Carignan) [Received 7/13] – CLOSED – Los Alamos inspection report. Response sent.

Freelancer (Evan Henningsen) [Received 6/21, 7/13] – OPEN – Asking about environmental and human health impacts from stop/start technology. Reporter doesn't yet have an outlet lined up. With program. Deadline flexible.

Magazine La Maison du 21e siècle (André Fauteux) [Received 6/20] – OPEN – Radon & lung cancer. DDL: 7/3. Follow up in press box for review.

Weekly Standard (Peter Boyer) [Received 7/14] – OPEN – Has questions on methane rule. Will call reporter for more details.

Chemical Safety

BNA (Tiffany Stecker) [Received 7/14] – OPEN – Which states is EPA investigating for dicamba crop damage? With program. Deadline 1pm today, 7/14

Cannabiz Journal (David Heldreth) [Received 7/14] – OPEN – Checking on whether states have withdrawn registrations for marijuana pesticides. With program. Deadline 7/18.

Chief Financial Officer

KSEE 24, Fresno (Annalisa Pardo) [Received 7/12] – OPEN – Budget cuts and air/health concerns. DDL: 7/13. With OCFO for response.

Enforcement & Compliance

Argus Media (Collen Howe) [Received 7/14] – OPEN – Kentucky Utilities coal ash lawsuit. Holding for reporter DDL.

BNA (Renee Schoof) [Received 6/6] – OPEN – HQ enforcement press releases. No specific deadline. Working with program.

BNA (Tiffany Stecker) [Received 7/14] – OPEN – EPA consultation process under Endangered Species Act. DDL: 7/14 ASAP. With OECA for response.

BuzzFeed (Nidhi Subbaraman) [Received 7/12] – OPEN – Settlements and administrative compliance orders. DDL: 7/17. Holding for reporter questions.

Investigative Reporting Workshop (Reis Thebault) [Received 6/15] – OPEN – ECHO data. DDL: 6/29. Sent initial response. Amy requested clarification, which is with her for review.

News 12 (Tara Rosenblum) [Received 7/10] – CLOSED – ECHO data in Westchester County, NY.

Land and Emergency Management

BNA (Sylvia Carignan) [Received 6/29] – OPEN – Requesting names of Superfund megasites broken down by year. With program. Deadline ASAP.

BNA (Sylvia Carignan) [Received 7/13] – OPEN – Requesting details on how staff define Superfund megasites, and other questions digging deeper into these large sites. With program. Deadline 7/19.

Federal News Radio (Eric White) [Received 7/5] - OPEN – asking for a radio interview on Superfund. Nancy Grantham has the lead and is working with OLEM to identify senior leadership to do the interview.

S&P Global (Kip Keen) [Received 7/13] – OPEN – Requests status update on CERCLA 108(b). Deadline flexible but COB Fri, 7/14 if possible

Water

NBC 4 Charleston (Stacey Springob/Lauren Maloney) [Received 7/11] – OPEN – Water testing kits. DDL: 7/14. Response sent. Follow-up with JV for review.

News 21 (Lauren Kaljur) [Received 7/10] – CLOSED – Water quality on tribal lands. Response sent.

STAT News (Jonathan Wosen) [received 7/14] – OPEN – Lake and river swimming guidelines. DDL: 7/19. With OW for response.

Jessica Sparacino

US Environmental Protection Agency

Office of Public Affairs Intern

(202) 564-5327

WJCN 2502J

To: AO OPA OMR CLIPS[AO_OPA_OMR_CLIPS@epa.gov]
From: Sparacino, Jessica
Sent: Thur 7/13/2017 6:22:35 PM
Subject: OMR Daily Wrap 7/13/17

Administration

Kansas City Star (Derek Donovan) [Received 7/12] -- OPEN -- EPA staffing question at regional office. Amy is handling.

Air & Radiation

BNA (Sylvia Carignan) [Received 7/13] – OPEN – Los Alamos inspection report. DDL: 7/13 @ 2 PM. With JV for review.

Cars.com (Joe Wiesenfelder) [Received 7/5] – CLOSED 7/13 – Reporter sent questions on mpge (gasoline equivalent) specs. With press@epa.gov. Deadline ASAP.

District Administration (Steven Wyman-Blackburn) [Received 7/6] – OPEN – Indoor air in schools. DDL pending. Holding for reporter questions and deadline.

FairWarning (Stuart Silverstein) [Received 6/23, 7/5] – CLOSED 7/7 – Seeking specific numbers for NOX and VOC tables we have already provided, and a clarifying question about what the tables represent. Response with press@epa.gov. Deadline ASAP.

Freelancer (Evan Henningsen) [Received 6/21, 7/13] – OPEN – Asking about environmental and human health impacts from stop/start technology. Reporter doesn't yet have an outlet lined up. With program. Deadline flexible.

Magazine La Maison du 21e siècle (André Fauteux) [Received 6/20] – OPEN – Radon & lung cancer. DDL: 7/3. Follow up in press box for review.

Chief Financial Officer

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Investigative Reporting Workshop (Reis Thebault) [Received 6/15] – OPEN – ECHO data. DDL: 6/29. Sent initial response. Amy requested clarification, which is with her for review.

News 12 (Tara Rosenblum) [Received 7/10] – OPEN – ECHO data in Westchester County, NY. DDL: 7/14. Response sent. Follow-up with OECA.

Environmental Information

Government Computer News (Matthew Leonard) [Received 6/22] - OPEN – EPA approach to data – discussing with OEI – DDL Flexible

Land and Emergency Management

BNA (Sylvia Carignan) [Received 6/29] – OPEN – Requesting names of Superfund megasites broken down by year. With program. Deadline ASAP.

BNA (Sylvia Carignan) [Received 7/13] – OPEN – Requesting details on how staff define Superfund megasites, and other questions digging deeper into these large sites. With program. Deadline 7/19.

Cecil Whig (Bradley Kroner) [Received 7/11] -- OPEN -- CAFOs emissions reporting. Program working on written responses. DDL: 7/13.

Federal News Radio (Eric White) [Received 7/5] - OPEN – asking for a radio interview on Superfund. Nancy Grantham has the lead and is working with OLEM to identify senior leadership to do the interview.

S&P Global (Kip Keen) [Received 7/13] – OPEN – Requests status update on CERCLA 108(b). Deadline flexible but COB Fri, 7/14 if possible.

Pesticides:

CBS News (Deirdre Cohen) [Received 7/12] - CLOSED – Chlorpyrifos – OPS handled

KCET (PBS, Southern California; Dennis Nishi) [Received 6/9] - CLOSED – non-chemical pest control methods – sent response

Reuters (Sharon Bernstein) [Received 6/27] - OPEN – Pollution and possible toxic cleanup designations at marijuana sites – Awaiting OLEM input – DDL Week of 7/3

The New York Times (Stephanie Strom) [Received 7/11] – OPEN – Glyphosate and consumer groups' food testing – question in program (OPP) – DDL 7/13

The Progressive Farmer (Emily Unglesbee) [Received 7/11] - CLOSED – Dicamba drift complaints –sent response

WLRN-Miami Herald News (Kate Stein) [Received 6/28] - OPEN – Reporter seeking interview on Michigan Naled study and regulation of pesticide – questions in program - DDL end of this week

Research and Development

AWPS (Kris Anderson) [Received 5/31] – OPEN – Water quality research – OW and ORD working on response – DDL Flexible

NC Health News (Catherine Clabby) [Received 7/12] – CLOSED 7/12 – Sent reviewed response on GenX.

Toxic Chemicals

Associated Press (Jeff Martin) [Received 6/28] - OPEN – Questions on EPA regulation of polyethylene as part of larger focus on inflammable construction cladding following London apartment tower fire – question in program (OPPT), - DDL ASAP

Associated Press (Matt Brown) [Received 7/13] - CLOSED – Evaluation of first 10 chemicals under TSCA reform –response sent

BNA (Tiffany Stecker) [Received 7/13] - CLOSED – Wendy Cleland-Hamnett (Acting OCSP Asst. Administrator) retiring – OPA leadership handling

Federal News Radio (Tom Temin) [Received 7/5] - OPEN – Requesting interview w/Nancy Beck on TSCA reform implementation – agency willing for Jeffery Morris of the Office of Pollution Prevention and Toxics (OPPT) to do interview on Tom Temin's morning drive show, date TBD.

Toxics Release Inventory

BNA (Tiffany Stecker) [Received 6/14] - OPEN – Questions on TRI emissions from the food industry – question in program – no firm DDL

Water

ABC News 7 (DC) (Scott Taylor) [Follow-up 7/13] – CLOSED 7/13 -- Sent reviewed clarification on standard for lead in water in schools.

Agri-Pulse (Steve Davies) [Received 7/13] – CLOSED – WOTUS Federal Register notice. Response sent.

BNA (Amena Saiyid) [Received 7/10] – CLOSED – League of Conservation Voters letter. Response sent.

The Fayette Observer (Steve Devane) [Received 7/13] -- OPEN -- GenX. Working on updated statement with programs. DDL: 7/13.

NBC 4 Charleston (Stacey Springob/Lauren Maloney) [Received 7/11] – OPEN – Water testing kits. DDL: 7/14. Response sent. Follow-up with JV for review.

News21 (Jasmine Spearing-Bowen) [Received 7/11] -- OPEN -- Permitting and process for drinking water standards. OW responses in; awaiting OLEM's input. DDL: 7/13.

News21 (Jordan Houston) [Follow-up 7/11] -- OPEN -- Drinking water compliance and violations. Program working on written response. DDL: 7/13.

News 21 (Lauren Kaljur) [Received 7/10] – OPEN – Water quality on tribal lands. DDL: 7/14. With JV for review.

Newsday (Emily Dooley) [Received 6/27] – CLOSED 7/12 – Sent reviewed response on letter sent for EPA to help with plume in Bethpage.

Jessica Sparacino

US Environmental Protection Agency

Office of Public Affairs Intern

(202) 564-5327

WJCN 2502J

To: AO OPA OMR CLIPS[AO_OPA_OMR_CLIPS@epa.gov]
From: So, Katherine
Sent: Tue 5/9/2017 8:30:43 PM
Subject: E&E News: Interest groups, citizens sound off on possible EPA overhaul, 5/9/17

E&E News

<https://www.eenews.net/eenewspm/2017/05/09/stories/1060054294>

Interest groups, citizens sound off on possible EPA overhaul

By Arianna Skibell and Dylan Brown 5/9/17

U.S. EPA officials today continued the agency's push to identify regulations to modify or repeal under President Trump's deregulatory executive order.

About two dozen industry officials, environmental representatives and interested citizens presented comments at the Office of Land and Emergency Management in Arlington, Va., today — either recommending rules for repeal or calling on the agency to abandon specific regulatory efforts altogether.

OLEM promulgates rules under the Resource Conservation and Recovery Act (RCRA); Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); Toxic Substances Control Act; Clean Air Act; and Emergency Planning and Community Right-to-Know Act. The office is also charged with oil spill prevention and preparedness regulations.

Timothy Steffek, scientific adviser for the American Petroleum Institute, raised concerns about EPA's proposed rule increasing the amount of insurance that hardrock mining companies must purchase to guarantee their sites are never added to the Superfund list.

Last year, when EPA published new financial assurance requirements, then-Administrator Gina McCarthy signed another notice that the agency would review Superfund insurance for industries like oil and coal (*Greenwire*, Dec. 2, 2016).

Steffek urged EPA to exclude oil and gas from the final determination.

EPA has until December to finalize the new hardrock standards under Section 108(b) of CERCLA as the result of a court order.

Environmental groups successfully sued to force EPA to act, but industry is pressing for the new administration to heed its concerns and choose the no-action alternative.

EPA Administrator Scott Pruitt recently met with Nevada Gov. Brian Sandoval (R), who echoed industry arguments that the rule would unnecessarily duplicate existing federal and state programs (*Greenwire*, April 28).

Scott Slesinger, legislative director for the Natural Resources Defense Council, scolded Steffek for his remarks, saying industry doesn't want to pay insurance.

Industries producing hazardous waste, he said, need to "maintain insurance to ensure that any hazardous spills are cleaned up rapidly without creating financial or health burdens on the public."

"Please, EPA, do your job, protect the American people," Slesinger said.

John Noel, Clean Water Action's national oil and gas campaigns coordinator, said he strongly objected to the entire premise of the executive order.

"Regulations, including environmental and health protections, are not holding our country back," he said. "On the contrary, regulations that protect our water and health are some of the most powerful driving forces for our economy and our communities."

He questioned whether the discussion around regulations is being conducted in good faith. He noted that Pruitt, on his LinkedIn page, boasted that he was a "leading advocate against the EPA's activist agenda."

Noel also pointed out that a large chunk of Pruitt's staff have worked with Sen. Jim Inhofe (R-Okla.), author of "The Greatest Hoax: How the Global Warming Conspiracy Threatens Your Future."

"Treating this process like it is a high-minded intellectual pursuit of federalism or to restore sanity at EPA is a joke," Noel said. "Scott Pruitt is a shill for the fossil fuel industry. There is no other way to say it."

He added that preventing pollution is often more cost-effective than cleaning it up later.

Both Chris Smith, director of federal public policy for the National Association of Chain Drug Stores, and Cassandra Horton, paralegal at the Retail Industry Leaders Association, asked EPA to reclassify products with low levels of nicotine.

Testifying separately, both noted that while consumers can throw away nicotine gum, patches and other cessation products at home, under RCRA even small traces of nicotine may be classified as hazardous waste, and therefore their disposal is highly regulated.

Horton said this made sense when there were large amounts of nicotine in pesticides in the 1980s, but not now. She said declassifying low-level nicotine products will save \$40 million in compliance costs.

Adrienne Hollis, director of federal policy for WE ACT for Environmental Justice, said low-income, minority communities often face the brunt of pollution. She said these communities are the most affected by toxic waste and, therefore, are the ones OLEM should be protecting.

Instead of measuring and judging a regulation by how much it costs to comply with and enforce, EPA should measure the value of a regulation by how well it protects vulnerable communities, she said.

The public hearing also featured a limited number of citizens — a fact that prompted some speakers to condemn EPA officials.

Dan Marrow is a Virginia resident whose home is near Dominion's Possum Point Power Station near Dumfries. About a year ago, he was watching a town meeting when he learned that Dominion Virginia Power had plans to bury large amounts of coal ash near his home.

He later discovered that his well water had been contaminated, but no one had informed him or his wife and daughters.

Marrow choked back tears as he tried to use his five minutes efficiently to explain why he feels EPA should require stricter regulations on coal ash disposal.

He said through his research he discovered that Dominion is one of the largest polluters in the state and also one of the largest campaign donors, saying he felt Virginia's Department of Environmental Quality was too "chummy" with the electric utility.

"While I work so hard to give my girls a loving home and keep them safe, we were being poisoned by our neighbors," he said.

Marrow said one of his daughters' hair began to fall out and his wife also suffered from some health problems.

"We're still struggling to find doctors who understand coal ash toxins," he said. "The value of our home has been destroyed."

He said current federal regulations are not enough.

"My family and Virginians deserve better," he said.

Katherine So

Office of Media Relations Intern

U.S. Environmental Protection Agency

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To: AO OPA OMR CLIPS[AO_OPA_OMR_CLIPS@epa.gov]
From: McGonagle, Kevin
Sent: Thur 5/4/2017 1:25:58 PM
Subject: InsideEPA: EPA warned against corporation guarantees as agency eyes mining rule option, 5/4/17

InsideEPA

<https://insideepa.com/daily-news/epa-warned-against-corporate-guarantees-agency-eyes-mining-rule-options>

EPA warned against corporate guarantees as agency eyes mining rule options

By Suzanne Yohannan 5/3/17

Oklahoma regulators and environmentalists are urging EPA to eschew the use of corporate guarantees as a means of complying with its first-time rule requiring financial assurances from hardrock mining companies to show they can pay for potential hazardous substance releases, calls that could limit the agency's options as it crafts the rule.

But the agency is under heavy pressure from industry, western states and some lawmakers to weaken, or even withdraw, the pending Superfund rule for the hardrock mining sector, so their suggestions may be moot.

The agency could decide not to finalize the measure as it faces a court-ordered deadline to “take final action” by Dec. 1. That could include a “final action” dropping the rulemaking.

But because the agency faces such a deadline, environmentalists believe the agency will not suspend or withdraw the rule. Instead, one environmentalist involved in litigation over the rule believes the agency will likely “come out with a very weak rule on time,” in order to meet the court deadline.

While the source is unsure what EPA might do to weaken the draft rule -- which was proposed under the Obama administration -- both the source and the Oklahoma Department of Environmental Quality (DEQ) are warning against EPA simply allowing mining companies to rely on corporate guarantees as a financial instrument to meeting financial assurance

requirements.

That would make the rule useless in terms of ensuring adequate funds are available for worst-case scenarios, and would really just act as an IOU, the environmentalist tells *Inside EPA*.

Similarly, Oklahoma DEQ in [April 7 comments](#) submitted on the draft rule details the department's experience with the failure of many different kinds of financial assurance instruments such as insurance, corporate guarantees and financial tests, and therefore tells EPA its "preference" is for the agency not to include corporate guarantees or financial tests as compliance mechanisms in the final rule.

At the same time, the state says generally that the rule duplicates existing state and federal requirements -- a point industry and other critics of the rule have frequently argued.

The [proposed rule](#) would require owners and operators of certain types of hardrock mines and mineral processing facilities to give financial assurances of their ability to pay for potential releases of hazardous substances from their facilities, including Superfund cleanup costs, health assessment costs and natural resource damages. The Comprehensive Environmental Response, Compensation & Liability Act (CERCLA) section 108(b) set out a 1983 requirement for EPA to identify classes of facilities that would be subject to financial assurance requirements, and called for then issuing such rules for those classes. Financial assurance mechanisms include insurance and surety bonds, among other mechanisms.

The Obama administration signed the first-time proposal in December to comply with a court-ordered deadline and published it in the *Federal Register* Jan. 11. The Obama EPA framed the rule as a measure to lift any burdens on taxpayers to pay for future hardrock mining cleanups that may be needed.

The agency at the time also argued that the rule would help deter the need for future Superfund remediation as it would adjust the amount of financial responsibility needed if environmentally protective practices have already been put in place.

GOP Opposition

Republican lawmakers, the mining industry, and western states strongly oppose the rule -- with Sen. Lisa Murkowski (R-AK) vowing to “stop this rule in its tracks” -- in part because they contend that the regulation would be duplicative of existing state and other requirements.

But environmentalists, who successfully sued the agency to force issuance of the rule, dispute those arguments, saying existing bond requirements are for reclamation, not spills or accidental releases that would fall under the EPA rule.

Meanwhile, the Trump EPA, in a March 21 budget document, signaled a possible move away from the draft version, calling for barring the use of Superfund remediation funds in fiscal year 2018 to “finalize or enforce” the proposed rule, “as the rule is currently written.”

The Trump EPA earlier this year granted requests from numerous House and Senate lawmakers, industry and western states to extend the comment period on the draft rule by 120 days to July 11. The lawmakers and others cited the complexity of the rule and its cost to industry as reasons, among others, for an extension.

In the latest appeal to EPA, Nevada Gov. Brian Sandoval (R) met with EPA Administrator Scott Pruitt on April 25 to discuss the section 108 rulemaking, according to the agency.

Sandoval has been critical of the rule, arguing in an April 20 letter to Pruitt prior to the meeting that, as proposed, the rule would duplicate federal and state requirements and may even preempt Nevada’s program.

He said in the letter that EPA, in writing the rule, failed to fully consider existing mining regulations and financial assurance requirements already imposed by states and other federal agencies. “Now is the time for EPA to consider whether the CERCLA financial assurance rule is really necessary for this industry,” he told Pruitt in the letter.

In an April 26 press release, Pruitt said of the discussion that “[t]he top-down approach doesn’t

always work well when formulating sensible regulations,” adding that “states are best positioned to deal with the environmental needs of their citizens.” He promised to consult with Nevada officials often as the agency makes decisions.

Sandoval meanwhile praised Pruitt and his staff for listening to him on issues facing Nevada, including the section 108 rulemaking and on a potential Superfund site listing.

Deferring Requirements

At this point, it is unclear what EPA will do in the final rule. The Small Business Administration’s (SBA) Office of Advocacy -- among the few entities that have so far filed substantive comments on the rule -- is urging EPA to withdraw the proposed regulation, or at a minimum, identify gaps in existing state and federal financial assurance requirements and address those gaps in a separate proposal.

And in its March 16 comments, Hecla Mining Company endorses SBA’s comments and urges EPA to “issue a Final Rule documenting that no additional financial assurance is needed for modern hardrock mining operations.”

Agency staff in a Jan. 30 webinar opened the door to consideration of wholesale deferrals of financial assurance requirements under the rule in cases where state or other federal programs meet certain criteria. "Under this approach, owners and operators would not be required to comply with the requirements to calculate a financial responsibility amount and to obtain a financial responsibility instrument under EPA's CERCLA section 108(b) regulations after EPA determines that a state or federal program meets certain criteria," according to EPA slides presented on the webinar.

Under a program deferral, EPA’s proposal says, mine owners and operators would still have to meet certain aspects of the rule, such as requirements related to notification to EPA and the public, in order to allow EPA to continue to monitor their compliance. The proposal also states both advantages and disadvantages to such an approach, noting that the advantages would include minimizing implementation of the rule at facilities already compliant with programmatic requirements. Among the several disadvantages are that the agency may have difficulty ensuring facilities continue to be in compliance with risk reduction requirements. -- *Suzanne Yohannan*

(syohannan@iwpnews.com)

Kevin McGonagle

Office of Media Relations Intern

U.S. Environmental Protection Agency

Telephone: (202)-564-4524

mcgonagle.kevin@epa.gov

To: Hale, Michelle[hale.michelle@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]
From: Davis, Patrick
Sent: Fri 2/24/2017 6:32:27 PM
Subject: FW: WGA Letters
CERCLA Hardrock Fed Consultation FINAL.PDF
Letter Ext Req CERCLA108b - final for web[1].pdf

WGA letter regarding hard rock mining rule.

From: Brooks, Becky
Sent: Friday, February 24, 2017 11:27 AM
To: Davis, Patrick <davis.patrick@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>
Subject: WGA Letters

Hi Patrick – Attached is the February 21, 2017, letter from the Western Governors' Association, along with its attachment (an August 17, 2016, letter). Becky

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

To: Hale, Michelle[hale.michelle@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]
From: Davis, Patrick
Sent: Fri 2/24/2017 6:28:27 PM
Subject: FW: 108(b) Paper
CERCLA 108(b) updated 02 24 17.docx
ATT00001.htm

Hi Michelle,

The attached brief will be of interest for the Administrator before he meets with Western Governors in the coming days.

Thanks,

Patrick Davis

From: Breen, Barry
Sent: Friday, February 24, 2017 12:56 PM
To: Davis, Patrick <davis.patrick@epa.gov>
Subject: Fwd: 108(b) Paper

You might need this too. It's an update of the 3-pager we did several weeks ago.

Barry
Begin forwarded message:

From: "Brooks, Becky" <Brooks.Becky@epa.gov>
Date: February 24, 2017 at 12:05:49 PM EST
To: "Naples, Eileen" <Naples.Eileen@epa.gov>
Cc: "Breen, Barry" <Breen.Barry@epa.gov>
Subject: 108(b) Paper

Hi Eileen – Attached is a 3-pager on 108(b) that OLEM would like to have included in the Administrator's book for the WGA meeting this weekend. Thank you. Becky

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

Message

From: Davis, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7FCA02D1EC544FBBD6FB2E7674E06B2-DAVIS, PATR]
Sent: 2/24/2017 4:46:50 PM
To: Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]
Subject: Fwd: WGA Letters
Attachments: CERCLA Hardrock Fed Consultation FINAL.PDF; ATT00001.htm; Letter__Ext_Req_CERCLA108b_-_final_for_web[1].pdf; ATT00002.htm

The WGA letter in total.

Sent from my iPhone

Begin forwarded message:

From: "Brooks, Becky" <Brooks.Becky@epa.gov>
To: "Davis, Patrick" <davis.patrick@epa.gov>
Cc: "Breen, Barry" <Breen.Barry@epa.gov>
Subject: WGA Letters

Hi Patrick – Attached is the February 21, 2017, letter from the Western Governors' Association, along with its attachment (an August 17, 2016, letter). Becky

*Becky Brooks
Special Assistant
Office of Land and Emergency Management
U.S. Environmental Protection Agency
ph. 202-566-2762*

To: Bangerter, Layne[bangerter.layne@epa.gov]
From: Davis, Patrick
Sent: Wed 2/22/2017 4:11:24 PM
Subject: FW: Another 108(b) letter
[17-000-4568.pdf](#)

Another letter from the Hill.

From: Brooks, Becky
Sent: Wednesday, February 22, 2017 9:57 AM
To: Davis, Patrick <davis.patrick@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Kenny, Shannon <Kenny.Shannon@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>
Subject: Another 108(b) letter

We wanted to make sure you have this 108(b) extension request letter to add to the others that have been forwarded.

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

To: Douglas, Nicholas E -FS[nedouglas@fs.fed.us]; Michael Nedd[mnedd@blm.gov]
Cc: ORCR IO[ORCR_IO@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Huff, Mark J[huff.markj@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]; Barr, Linda[Barr.Linda@epa.gov]; Foster, Barbara[Foster.Barbara@epa.gov]
From: Johnson, Barnes
Sent: Wed 3/22/2017 12:21:52 PM
Subject: EPA's CERCLA 108(b) Rulemaking

Dear Michael and Nicholas,

I am reaching out regarding our proposed rule regarding EPA's financial assurance provisions for hard rock mining facilities. We are now at the phase of the rulemaking process where we are seeking public input. In fact, you may have noticed that we recently extended the public comment period by 120 days; the public comment period is now open until July 11, 2017. You and members of your respective teams can access the information pertaining to the rule at (<https://www.regulations.gov/docket?D=EPA-HQ-SFUND-2015-0781>). We are at an ideal time to engage regarding our proposal and get your input as we move the regulatory process forward.

Ex. 5 - Deliberative Process

Could you please reply and let us know who your primary point of contact should be for setting up the initial meeting I described above? If you prefer to also call and have a discussion I am certainly amenable to that as well; my direct land line is: 703-308-8635.

Sincerely,

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

Agenda
Interstate Mining Compact Commission
State/Federal Session Re. Policy, Regulatory, and Legislative Issues
Interstate Mining Compact Commission
2017 Annual Meeting
8:30 a.m. – Noon -- April 3, 2017
The Kingsmill -- Williamsburg, Virginia

Meeting Facilitator:

Ed Fogels (Alaska), Chairman, IMCC Executive Committee

- I. Welcome Remarks
Speaker: Hayes Framme
Deputy Secretary of Commerce and Trade for the
Commonwealth of Virginia
- II. Opening Remarks
 - The Honorable Ryan Zinke, Secretary of the Interior (Invited)
 - The Honorable Scott Pruitt, Administrator of the Environmental Protection Agency (EPA) (Invited)
- III. Open State/Federal Discussion
 - Additional U.S. Department of Interior (DOI)/Office of Surface Mining Reclamation and Enforcement (OSMRE) Participants:
 - DOI Beachhead Team Members for the Trump Administration:
Tucker Davis
Kathy Benedetto
 - OSMRE:
Glenda Owens, Acting Director
Sterling Rideout, Assistant Director – Program Support Headquarters
David Berry, Regional Director, Western Region
Al Clayborne, Regional Director, Mid-Continent Region
David Hartos, Regional Deputy Director, Appalachian Region
 - Additional U.S. Environmental Protection Agency (EPA) Participants:
 - Barnes Johnson, Director, Office of Resource Conservation and Recovery, Office of Land and Emergency Management, EPA
 - Congressional Staff
 - Andrew Vecera, Counsel, Subcommittee on Energy and Mineral Resources, U.S. House of Representatives

Message

From: Hofmann, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A08075FAF96C45BCA4C4CA0C1AEC3C3A-HOFMANN, LEE]
Sent: 1/30/2017 6:07:45 PM
To: Shimeles, Taetaye [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=96913b49304240c08efad40f5b380f4e-Shimeles, Taetaye]; Benware, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4b2e011a22a44312a04299f118cc4d11-Benware, Richard]; Cultice, Alyssa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9f44b118bb6b46dd9b9369e229b34c19-Cultice, Al]; Krahe, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fefa05a942ce4a5393aaba7d0b669cd1-Krahe, Jose]
Subject: FW: CERCLA 108(b) - Two Pager
Attachments: CERCLA 108(b) HRM_1 pager_1_30_17.docx

Elizabeth Lee Hofmann, Ph.D., D.A.B.T.
Chief, Economics and Risk Analysis Staff
Program Management, Communications,
and Analysis Office
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Mail Code 5305P
Washington, D.C. 20460-001

Phone: 703-308-8479
Fax: 703-308-7904

Delivery Address:
South Tower, Potomac Yards
2777 Crystal Drive
Arlington, VA 22202

From: Huff, Mark J
Sent: Monday, January 30, 2017 12:55 PM
To: Hofmann, Lee <Hofmann.Lee@epa.gov>
Subject: FW: CERCLA 108(b) - Two Pager

As we were speaking-

From: Johnson, Barnes
Sent: Monday, January 30, 2017 12:53 PM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: CERCLA 108(b) - Two Pager

Barry,

Attached, please find per your request a draft of the two pager. This version has been updated from the original one pager developed for the landing team; the formatting has changed and cleaned up from the format used for the landing team; and one additional bullet was added to the background section – this bullet lists the seven main issues that define the proposal (you'll recall that it is these issues that we went over with the landing team).

Mark is working on a short summary of the RIA and Sonya is pulling together a more formal briefing paper (not sure if we will brief from the two pager or from this package that Sonya is pulling together; regardless we will need this even if it's not for this).

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPAland](#)

From: Breen, Barry
Sent: Monday, January 30, 2017 10:55 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Dear Barnes,

I will call you, and here is David's note that I'll call to follow up on.

B.

From: Benton, Donald
Sent: Monday, January 30, 2017 9:47 AM
To: Schnare, David <schnare.david@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Perfect. I await the one pager.
Don

From: Schnare, David
Sent: Monday, January 30, 2017 9:11 AM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

dschnare

From: Bromberg, Kevin L. [<mailto:kevin.bromberg@sba.gov>]
Sent: Saturday, January 28, 2017 3:36 PM
To: Schnare, David <schnare.david@epa.gov>
Subject: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Ex. 5 - Deliberative Process

Our Roundtable is still scheduled for Friday Feb. 3 if the communications office approves.

From: Bromberg, Kevin L.
Sent: Monday, January 23, 2017 4:36 PM
To: 'Laura Skaer'; 'Bridgeford, Tawny'; Jeff Parshley (HELPER) (jparshley@srk.com)
Cc: 'Jonathan Gledhill' (jgledhill@policynavigation.com)
Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

To: Brown, Byron[brown.byron@epa.gov]; Mattick, Richard[Mattick.Richard@epa.gov]; Johnson, Barnes[Johnson.Barnes@epa.gov]; ORCR IO[ORCR_IO@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]; Michaud, John[Michaud.John@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Hostage, Barbara[Hostage.Barbara@epa.gov]; Huff, Mark J[huff.markj@epa.gov]
Cc: Breen, Barry[Breen.Barry@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]
From: Sasseville, Sonya
Sent: Fri 10/6/2017 9:33:38 PM
Subject: RE: CERCLA 108 Update

Byron, thanks for the input on FAR, and we can discuss in the meeting on the 12th. You should now have the draft in a separate email from me, sent at 5:16.

Have a nice weekend, all.

From: Brown, Byron
Sent: Friday, October 06, 2017 4:59 PM
To: Mattick, Richard <Mattick.Richard@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>
Subject: RE: CERCLA 108 Update

Thanks for the update. I do not object to delaying FAR by a couple of days, but it's important to see a draft as soon as possible to review and digest before the Thursday meeting. Can we get a copy by COB Tuesday? Have a nice weekend.

From: Mattick, Richard
Sent: Thursday, October 5, 2017 11:03 AM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Rees,

Sarah <rees.sarah@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>
Subject: RE: CERCLA 108 Update

All,

A quick update on FAR and the OMB pre-brief.

This morning we discussed with OP pushing the 108b FAR off a week or two to accommodate any outcomes resulting from the briefing/meeting on 12th.

Our current straw (conservatively) holds the week of October 23rd for Final Agency Review (FAR), envisioning a quick 2-3 day check-in with the RA's/DRA's and Program Offices---being mindful of OMB's request to begin an expedited EO 12866 review on Nov. 1. We'd like to hold a few minutes of the meeting on the 12th to discuss FAR details.

I am also working to schedule a pre-brief with OMB the week of the 16th
to help OMB prepare and facilitate an expedited review.

Rich

Richard Mattick

Policy and Regulatory Management Staff

Office of Land and Emergency Management

202-566-1926

From: Sasseville, Sonya

Sent: Wednesday, October 4, 2017 3:32 PM

To: Brown, Byron <brown.byron@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Cc: Breen, Barry <Breen.Barry@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>

Subject: RE: CERCLA 108 Update

Hi, Byron, we send the draft to Barnes yesterday. He is on travel but is in touch by email. Barnes had suggested that we have a briefing to go through the document for everyone, so that is set up for October 12th. In light of the timing of that briefing, the question has come up, and discussions are happening, on whether to revise the start of FAR, while maintaining the subsequent milestones.

From: Brown, Byron

Sent: Wednesday, October 04, 2017 1:36 PM

To: Johnson, Barnes <Johnson.Barnes@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Cc: Breen, Barry <Breen.Barry@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>

Subject: CERCLA 108 Update

Hi – just wanted to check in on the status of the draft CERCLA 108 notice. Based on the schedule I have it looks like a draft of the notice is due to the Office Director today, but I am getting an out of office message saying Barnes is out of the office until October 10. After that, the schedule I have shows the next milestone to be a draft to the AA and AO to begin the FAR process on October 9 followed by a briefing for OMB later next week. Thanks.

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

To: Brown, Byron[brown.byron@epa.gov]; Johnson, Barnes[Johnson.Barnes@epa.gov]; Foster, Barbara[Foster.Barbara@epa.gov]; Michaud, John[Michaud.John@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Farber, Glenn[Farber.Glenn@epa.gov]
Cc: Breen, Barry[Breen.Barry@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Hostage, Barbara[Hostage.Barbara@epa.gov]
From: Sasseville, Sonya
Sent: Wed 11/1/2017 7:58:51 PM
Subject: RE: Status of CERCLA 108 package

Yes. We're anticipating getting it to OP by 7 for their transmittal to OMB.

From: Brown, Byron
Sent: Wednesday, November 01, 2017 3:38 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Farber, Glenn <Farber.Glenn@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>
Subject: Status of CERCLA 108 package

Just wanted to check in to see if we are track with getting the draft to OMB today. Thanks.

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

To: Brown, Byron[brown.byron@epa.gov]
Cc: Breen, Barry[Breen.Barry@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Fonseca, Silvina[Fonseca.Silvina@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; ORCR IO[ORCR_IO@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]
From: Johnson, Barnes
Sent: Thur 8/10/2017 12:35:11 AM
Subject: Re: CERCLA 108(b)

If we are going to move forward as planned I would recommend that at least some of us try to find time to circle tomorrow morning when Byron is available and chart a path. I would hate to lose a week in an already challenged schedule.

Bringing in SAs to see if arrangements can be accommodated.

Sent from my iPhone

On Aug 9, 2017, at 6:17 PM, Brown, Byron <brown.byron@epa.gov> wrote:

Hi Barry and Barnes – I heard from both Silvina and Veronica today that OLEM is looking to schedule a meeting with me on Friday to discuss CERCLA 108(b). I am scheduled to be out Friday and all next week, but I am available Thursday until 1 pm if you want to talk then.

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

To: Brown, Byron[brown.byron@epa.gov]; Johnson, Barnes[Johnson.Barnes@epa.gov]; ORCR IO[ORCR_IO@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]; Michaud, John[Michaud.John@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Hostage, Barbara[Hostage.Barbara@epa.gov]; Mattick, Richard[Mattick.Richard@epa.gov]; Huff, Mark J[huff.markj@epa.gov]
Cc: Breen, Barry[Breen.Barry@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]
From: Sasseville, Sonya
Sent: Wed 10/4/2017 7:31:47 PM
Subject: RE: CERCLA 108 Update

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Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

To: Breen, Barry[Breen.Barry@epa.gov]
Cc: Hostage, Barbara[Hostage.Barbara@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]; Mattick, Richard[Mattick.Richard@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Huff, Mark J[huff.markj@epa.gov]
From: Johnson, Barnes
Sent: Mon 1/30/2017 5:53:25 PM
Subject: CERCLA 108(b) - Two Pager
CERCLA 108(b) HRM 1 pager 1 30 17.docx

Barry,

Attached, please find per your request a draft of the two pager. This version has been updated from the original one pager developed for the landing team; the formatting has changed and cleaned up from the format used for the landing team; and one additional bullet was added to the background section – this bullet lists the seven main issues that define the proposal (you’ll recall that it is these issues that we went over with the landing team).

Mark is working on a short summary of the RIA and Sonya is pulling together a more formal briefing paper (not sure if we will brief from the two pager or from this package that Sonya is pulling together; regardless we will need this even if it’s not for this).

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

From: Breen, Barry
Sent: Monday, January 30, 2017 10:55 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Dear Barnes,

I will call you, and here is David's note that I'll call to follow up on.

B.

From: Benton, Donald
Sent: Monday, January 30, 2017 9:47 AM
To: Schnare, David <schnare.david@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Perfect. I await the one pager.

Don

From: Schnare, David
Sent: Monday, January 30, 2017 9:11 AM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

dschnare

From: Bromberg, Kevin L. [<mailto:kevin.bromberg@sba.gov>]
Sent: Saturday, January 28, 2017 3:36 PM
To: Schnare, David <schnare.david@epa.gov>
Subject: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

As discussed, here is the CERCLA 108(b) letter.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process There already exists substantial supporting comments (pre-proposal) from mining regulators association, the Western governors and NMA and AE&MA.

Our Roundtable is still scheduled for Friday Feb. 3 if the communications office approves.

From: Bromberg, Kevin L.
Sent: Monday, January 23, 2017 4:36 PM
To: 'Laura Skaer'; 'Bridgeford, Tawny'; Jeff Parshley (HELPER) (jparshley@srk.com)
Cc: 'Jonathan Gledhill' (jgledhill@policynavigation.com)
Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

To: Breen, Barry[Breen.Barry@epa.gov]
From: Davis, Patrick
Sent: Fri 9/8/2017 2:20:16 PM
Subject: FW: Short Primer Justifying No Regulation Under CERCLA 108(b) using NMA Exhibits As Evidence
NMA Final Comments on CERCLA 108b with appendices secured.pdf

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

From: Bromberg, Kevin L. [mailto:kevin.bromberg@sba.gov]
Sent: Friday, September 1, 2017 5:47 PM
To: Brown, Byron <brown.byron@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Short Primer Justifying No Regulation Under CERCLA 108(b) using NMA Exhibits As Evidence

The statute requires EPA to regulate only those “classes of facilities, .. which the President (and EPA) determines **presents the highest level of risk of injury.**” 42 U.S.C. Section 9608(b)(1). (emphasis added).

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

In my view, there are two exhibits presented by NMA in its July 11th comments (attached) that

Ex. 5 - Deliberative Process

EXHIBIT #1 – Appendix A to NMA Comments – Federal and State Requirements Comprehensively Address the EPA Requirements

The first exhibit demonstrates that the existing federal and state regulations comprehensively address mining environmental risks through engineering and permitting requirements, and comprehensively address the related bonding requirements. Where a release is detected or anticipated, regulations require corrective action, and provide appropriate bonding. Appendix A to the NMA comments lists in tables the relevant requirements from 15 states and shows that the states comprehensively address all 13 CERLCA Response categories covered in the proposed rule. Exhibit 1 to Appendix A provides the tables for both the BLM and the USFS which shows equivalent coverage for the 13 categories.

Exhibit #2 – Critique of EPA’s Modern Releases – Tables C-1 and C-2 (Appendix C) – Modern Facilities Pose No Significant Risks Unaddressed by Current Regulations

EPA discusses facilities in the preamble and in the “Releases Report” that suggest that modern facilities pose a high risk of harm to the environment, suggesting that these significant risks are not addressed by current state and Federal regulations. In Appendix C to the NMA comments, Tables C-1 and C-2 address the facilities mentioned in the preamble and the Releases Report.

Ex. 5 - Deliberative Process

To: Breen, Barry[Breen.Barry@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]; Hostage, Barbara[Hostage.Barbara@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]
Cc: ORCR IO[ORCR_IO@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Foster, Barbara[Foster.Barbara@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Pease, Michael[pease.michael@epa.gov]; Huff, Mark J[huff.markj@epa.gov]
From: Johnson, Barnes
Sent: Tue 9/5/2017 10:00:23 PM
Subject: Ex. 5 - Deliberative Process of 108(b) Notice

Ex. 5 - Deliberative Process

Dear Barry et al.,

Attached, please find an initial draft outline of the CERCLA 108(b) notice as we intent to construct it. Not being up on your protocol preferences, other than with OGC, I have not shared this outside of OLEM as I thought you may want to review and comment first. Please advise on when it is OK to share with AO and OP. I will note that we have a meeting scheduled for this coming Thursday to discuss this and that meeting includes AO and OP so we will want to get them something before then. The initial OMB pre-meeting is scheduled for this Friday.

Thanks.

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPAland](#)

To: Brown, Byron[brown.byron@epa.gov]
Cc: Mattick, Richard[Mattick.Richard@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]; ORCR IO[ORCR_IO@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]; Michaud, John[Michaud.John@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Hostage, Barbara[Hostage.Barbara@epa.gov]; Huff, Mark J[huff.markj@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]
From: Johnson, Barnes
Sent: Fri 10/6/2017 10:25:28 PM
Subject: Re: CERCLA 108 Update

Byron, yes. We will aim to distribute a draft as you suggest.

Sent from my iPhone

On Oct 7, 2017, at 3:58 AM, Brown, Byron <brown.byron@epa.gov> wrote:

Thanks for the update. I do not object to delaying FAR by a couple of days, but it's important to see a draft as soon as possible to review and digest before the Thursday meeting. Can we get a copy by COB Tuesday? Have a nice weekend.

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Sent: Thursday, October 5, 2017 11:03 AM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>
Subject: RE: CERCLA 108 Update

All,

A quick update on FAR and the OMB pre-brief.

This morning we discussed with OP pushing the 108b FAR off a week or two to accommodate any outcomes resulting from the briefing/meeting on 12th.

Our current straw (conservatively) holds the week of October 23rd for Final Agency Review (FAR), envisioning a quick 2-3 day check-in with the RA's/DRA's and Program Offices---being mindful of OMB's request to begin an expedited EO 12866 review on Nov. 1. We'd like to hold a few minutes of the meeting on the 12th to discuss FAR details.

I am also working to schedule a pre-brief with OMB the week of the 16th to help OMB prepare and facilitate an expedited review.

Rich

Richard Mattick

Policy and Regulatory Management Staff

Office of Land and Emergency Management

202-566-1926

From: Sasseville, Sonya

Sent: Wednesday, October 4, 2017 3:32 PM

To: Brown, Byron <brown.byron@epa.gov>; Johnson, Barnes

<Johnson.Barnes@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Brooks, Becky

<Brooks.Becky@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Stachowiak, Robert

<Stachowiak.Robert@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Mattick,

Richard <Mattick.Richard@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Cc: Breen, Barry <Breen.Barry@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>;

Rees, Sarah <rees.sarah@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>

Subject: RE: CERCLA 108 Update

Hi, Byron, we send the draft to Barnes yesterday. He is on travel but is in touch by email. Barnes had suggested that we have a briefing to go through the document for everyone, so that is set up for October 12th. In light of the timing of that briefing, the question has come up, and discussions are happening, on whether to revise the start of FAR, while maintaining the subsequent milestones.

From: Brown, Byron

Sent: Wednesday, October 04, 2017 1:36 PM

To: Johnson, Barnes <Johnson.Barnes@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Cc: Breen, Barry <Breen.Barry@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>

Subject: CERCLA 108 Update

Hi – just wanted to check in on the status of the draft CERCLA 108 notice. Based on the schedule I have it looks like a draft of the notice is due to the Office Director today, but I am getting an out of office message saying Barnes is out of the office until October 10. After that, the schedule I have shows the next milestone to be a draft to the AA and AO to begin the FAR process on October 9 followed by a briefing for OMB later next week. Thanks.

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

Message

From: Sasseville, Sonya [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9302BD775FA84BEBBEOC430316F76C6-SSASSEVI]
Sent: 8/23/2017 9:03:33 PM
To: Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]; Stachowiak, Robert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2710013bd33a44ab823c8e6d9b94275a-RSTACHOW]
CC: Fotouhi, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=febaf0d56aab43f8a9174b18218c1182-Fotouhi, Da]; Openchowski, Charles [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9fd81e7c8f5841899a15b00e4eff3036-COPENCHO]; Johnson, Barnes [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c39e9338cbf04dc3b4b29f78e5213303-Johnson, Barnes]
Subject: RE: ISO support documents on mining risk
Attachments: Releases from HRM.PDF; Comprehensive Report.pdf; 108b HRM-Evidence of CERCLA Haz Substances and Potential Exposures final....pdf

Byron, here are the documents. Sorry for the delay.

From: Brown, Byron
Sent: Wednesday, August 23, 2017 4:52 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>
Subject: RE: ISO support documents on mining risk

Hi Sonya – I just wanted to circle back on this and wanted to see if you or your staff have been able to track these down yet. I was out last week and am still catching up on emails, so apologies if I missed these. Thanks.

From: Sasseville, Sonya
Sent: Thursday, August 10, 2017 2:41 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>
Subject: RE: ISO support documents on mining risk

OK, we'll get the documents together and send to all.

From: Stachowiak, Robert
Sent: Thursday, August 10, 2017 10:57 AM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>
Subject: ISO support documents on mining risk

Hi Sonya –

Byron contacted me last night, seeking the key support documents relating to the "Continuing Risk at Hardrock Mining Facilities" section of the 108(b) preamble. 82 FR 3470-80. In particular, I was thinking of:

Memorandum to the Record: Releases from Hard Rock Mining Facilities, Nov. 2016

Draft Comprehensive Report: An Overview of Practices at Hardrock Mining and Mineral Processing Facilities and Related Releases of CERCLA Hazardous Substances, Nov. 2016

EPA's analysis of 319 hardrock mining sites [I don't have a title for this analysis, which is discussed on p. 3478]

Because ORCR is the keeper of the record for the HRM proposal, I expect you will be in the best position to provide all of the right reports to him, in case there are alternatives or others as well. Can you help?

Thanks,
Rob S.

To: Brown, Byron[brown.byron@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]
Cc: Noggle, William[Noggle.William@epa.gov]
From: Johnson, Barnes
Sent: Thur 11/9/2017 3:24:07 PM
Subject: RE: OMB edits

Byron,

I don't believe they were expected until midday today at the earliest; they were due to OMB COB yesterday. Jim did mention when we spoke last evening that they had begun to receive at least some interagency comments.

Barnes Johnson
USEPA | Resource Conservation and Recovery | Tel 703-308-8895 | johnson.barnes@epa.gov |
@EPAland

-----Original Message-----

From: Brown, Byron
Sent: Thursday, November 09, 2017 10:12 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>
Subject: OMB edits

Do you know if we received any edits from OMB on the CERCLA 108 rule yet? If so can you circulate?
Thanks.

Sent from my iPhone

To: Hupp, Millan[hupp.millan@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Dickerson, Aaron[dickerson.aaron@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]
From: Ford, Hayley
Sent: Tue 9/5/2017 11:17:18 AM
Subject: RE: September 4 - 10, 2017: Draft Line X Line & Weekly Report
[Weekly Report 09012017.docx](#)

See attached for the weekly report from regions and program offices.

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Hupp, Millan

Sent: Monday, September 4, 2017 11:00 AM

To: Abboud, Michael <abboud.michael@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Beck,

Nancy <Beck.Nancy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Darwin, Henry <darwin.henry@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Willis, Sharnett <Willis.Sharnett@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>

Subject: September 4 - 10, 2017: Draft Line X Line

Happy Labor Day.

Please be aware that there will be a 30 minute COS meeting in the morning starting at 8:30AM. We will be in the Alm Room and we will have a hard stop at 9AM. The Administrator will not be in this meeting but will be in the office in the afternoon for his scheduled briefings.

See you then.

Millan Hupp

Director of Scheduling and Advance

Office of the Administrator, EPA
202.380.7561 hupp.millan@epa.gov

To: Brooks, Becky[Brooks.Becky@epa.gov]
Cc: Johnson, Barnes[Johnson.Barnes@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Fonseca, Silvina[Fonseca.Silvina@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; ORCR IO[ORCR_IO@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]; Hostage, Barbara[Hostage.Barbara@epa.gov]; Mattick, Richard[Mattick.Richard@epa.gov]
From: Sasseville, Sonya
Sent: Thur 8/10/2017 11:43:22 AM
Subject: Re: CERCLA 108(b)

Will need a call-in number; I am in PCB managers national meeting and will need to skip out to participate. Thanks.

Sent from my iPhone

On Aug 10, 2017, at 6:26 AM, Brooks, Becky <Brooks.Becky@epa.gov> wrote:

Reminder that Barry is out of the office today, so he will not be in the meeting and Patrick is on travel today. We can work with Silvina, Richard, and Meghan to get folks together this morning. Adding PARMS to this for awareness, as we will include them in the meeting.
Becky

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

From: Johnson, Barnes
Sent: Wednesday, August 09, 2017 8:35 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky

<Brooks.Becky@epa.gov>

Subject: Re: CERCLA 108(b)

If we are going to move forward as planned I would recommend that at least some of us try to find time to circle tomorrow morning when Byron is available and chart a path. I would hate to lose a week in an already challenged schedule.

Bringing in SAs to see if arrangements can be accommodated.

Sent from my iPhone

On Aug 9, 2017, at 6:17 PM, Brown, Byron <brown.byron@epa.gov> wrote:

Hi Barry and Barnes – I heard from both Silvina and Veronica today that OLEM is looking to schedule a meeting with me on Friday to discuss CERCLA 108(b). I am scheduled to be out Friday and all next week, but I am available Thursday until 1 pm if you want to talk then.

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

To: kevin.bromberg@sba.gov[kevin.bromberg@sba.gov]; Huff, Mark J[huff.markj@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]
Cc: Mattick, Richard[Mattick.Richard@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Sasseville, Sonya
Sent: Fri 4/28/2017 8:22:55 PM
Subject: RE: CERCLA - 108(b) - Excluded Categories

Kevin, we are discussing this issue and will get back to you.

From: Bromberg, Kevin L. [mailto:kevin.bromberg@sba.gov]
Sent: Friday, April 28, 2017 3:34 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Mattick, Richard <Mattick.Richard@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: CERCLA - 108(b) - Excluded Categories

Any thoughts on this yet?

Ex. 5 - Deliberative Process

Kevin

From: Bromberg, Kevin L.
Sent: Tuesday, March 28, 2017 4:47 PM
To: Sasseville, Sonya (Sasseville.Sonya@epa.gov); Huff, Mark J (huff.markj@epa.gov); Stachowiak, Robert (Stachowiak.Robert@epa.gov)
Cc: Mattick, Richard; Brown, Byron (brown.byron@epa.gov)
Subject: CERCLA - 108(b) - Excluded Categories

This is an outgrowth of the SBA Advocacy February 3 Roundtable discussion of the ambiguity surrounding the 59 minerals to be excluded by the proposal. See the attached two memoranda for more detailed explanation. EPA did not clearly exclude these categories in the preamble nor in the regulatory language.

The conclusion of the second memo and the request from the Industrial Minerals

Association appears below:

“EPA should address these issues and clarify the intended scope of the proposed rule immediately. Otherwise the regulated community will be forced to comment on a proposed rule

that is so vague as to scope that it is impossible to determine what the universe of covered

facilities is. Declining to address these issues now would severely limit EPA’s ability to clarify

these issues after the comment period closes.¹² At a minimum EPA’s clarification should include:

☐ A statement that the proposed rule language will be amended to clarify that facilities that

process the 59 commodity sectors listed in the Hoffman Memo are not subject to the proposed rule;

☐ Clearer definitions for the excluded and included commodity sectors where necessary;”

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

We are meeting with Samantha Dravis on Friday to address this rule and other matters.

Kevin

From: Mark Ellis [<mailto:markellis@ima-na.org>]
Sent: Friday, March 24, 2017 3:43 PM
To: Bromberg, Kevin L.
Cc: Ben Machlis; barringers@gtlaw.com; Darrell Smith; Mark Ellis
Subject: FW: CERCLA Strategy

Kevin--

Good seeing you today at the SBA Labor Safety Roundtable. As promised, please find attached the second of two memos summarizing our concerns with EPA's CERCLA 108(b) proposal. The first memo, which you received previously, also is attached for convenient reference.

We appreciate your offer to share these memos with the EPA program area staff and the Solicitor's office representatives who participated in the SBA Environmental Roundtable the Office of Advocacy hosted on February 3. If you wish, please feel free to share them with others at EPA, including potentially Byron Brown in the Administrator's office. We believe the memos outline issues that EPA will want to address.

Please do not hesitate to contact me should you have any questions, comments or suggestions regarding these matters.

'Have a good weekend.

Best--

Mark

Mark G. Ellis
President
Industrial Minerals Association - North America
National Industrial Sand Association
1200 18th Street, NW, Suite 1150
Washington, DC 20036
(202) 457-0200
(202) 457-0287 (Fax)
markellis@ima-na.org
markellis@sand.org



From: Ben Machlis [<mailto:MBMachlis@hollandhart.com>]
Sent: Friday, March 24, 2017 2:10 PM
To: Mark Ellis
Cc: Darrell Smith; barringers@gtlaw.com
Subject: RE: CERCLA Strategy

Mark –

PDFs of the two memos are attached. Thanks for getting these to Kevin.

Ben

Ben Machlis
Holland & Hart LLP
222 South Main Street, Suite 2200

Salt Lake City, UT 84101
Phone (801) 799-5915
Cell **Ex. 6 - Personal Privacy**
E-mail: mbmachlis@hollandhart.com



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List of Subjects

40 CFR Part 320

Environmental protection, Financial responsibility, Hardrock mining, Hazardous substances.

Dated: DEC 01 2016.


Gina McCarthy,
Administrator.

Message

From: Farber, Glenn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E0F9DACA1358483DBA4B75097A755282-GFARBER]
Sent: 12/2/2016 7:27:24 PM
To: Foster, Barbara [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3d2e711e357548b69b183afc111e72c3-BFOSTER]
Subject: RE: EPA Proposes Financial Responsibility Requirements for Hardrock Mining Industry

What's this all about? I'm not familiar with it. Does it have something to do with the Café over on Tenth Street?

From: Foster, Barbara
Sent: Friday, December 02, 2016 12:38 PM
To: Carr, Loftan <Carr.Loftan@epa.gov>; Cybulski, Walter <Cybulski.Walter@epa.gov>; DiForte, Nicoletta <DiForte.Nicoletta@epa.gov>; Grandinetti, Cami <Grandinetti.Cami@epa.gov>; Hanley, Jim <Hanley.James@epa.gov>; Hillenbrand, John <Hillenbrand.John@epa.gov>; Kulpan, Bruce <Kulpan.Bruce@epa.gov>; Kyte, Larry <kyte.larry@epa.gov>; Purcell, Mark <purcell.mark@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Tiago, Joseph <Tiago.Joseph@epa.gov>; Lensink, Andy <Lensink.Andy@epa.gov>; Bishlawi, Randa <Bishlawi.Randa@epa.gov>; Kobelski, Bruce <Kobelski.Bruce@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Tomten, Dave <Tomten.Dave@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Suriano, Elaine <Suriano.Elaine@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Geselbracht, Jeanne <Geselbracht.Jeanne@epa.gov>; Farber, Glenn <Farber.Glenn@epa.gov>; Lizecky, Hollis <Lizecky.Hollis@epa.gov>; Marcy, Ken <Marcy.Ken@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>; Jenkins, Robin <Jenkins.Robin@epa.gov>; Mahmud, Shahid <Mahmud.Shahid@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Kline, Bill <Kline.Bill@epa.gov>; Hodes, Colette <Hodes.Colette@epa.gov>; Greenberg, Marc <Greenberg.Marc@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>; Burgess, Michele <Burgess.Michele@epa.gov>; Pease, Michael <pease.michael@epa.gov>; Vyas, Peggy <Vyas.Peggy@epa.gov>; Horton, Rachel <Horton.Rachel@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>; Anderson, RobinM <Anderson.RobinM@epa.gov>; Palmer, Scott <Palmer.Scott@epa.gov>; Taylor, Timothy <Taylor.Timothy@epa.gov>; Stewart, Tracey <Stewart.Tracey@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>; Krueger, Anna <Krueger.Anna@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Krahe, Joseph <Krahe.Joseph@epa.gov>; Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>; Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Hofmann, Lee <Hofmann.Lee@epa.gov>; Cultice, Alyssa <Cultice.Alyssa@epa.gov>; MacDonald, Jennifer <Macdonald.Jennifer@epa.gov>; Hood, Lynne <Hood.Lynne@epa.gov>; Schoenborn, William <Schoenborn.William@epa.gov>; Guignet, Dennis <Guignet.Dennis@epa.gov>; Sheldrake, Beth <sheldrake.beth@epa.gov>; Naftz, Douglas <Naftz.Douglas@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>; McWhirter, Lisa <McWhirter.Lisa@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Godsey, Cindi <Godsey.Cindi@epa.gov>; Kelly, PatrickM <Kelly.PatrickM@epa.gov>; Huynh-Linenberg, Jacquie <huynh-linenberg.jacquie@epa.gov>; Zaragoza, Larry <Zaragoza.Larry@epa.gov>
Subject: FW: EPA Proposes Financial Responsibility Requirements for Hardrock Mining Industry

Workgroup –

The Hardrock Mining rule was signed. A pre-publication version of the signed rule can be found at the link below.

From: Ames, Jeremy
Sent: Friday, December 02, 2016 10:49 AM
To: ORCR Press <ORCR_Press@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>; Krueger, Anna <Krueger.Anna@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Zaragoza, Larry <Zaragoza.Larry@epa.gov>;

Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>

Subject: FW: EPA Proposes Financial Responsibility Requirements for Hardrock Mining Industry

From: U.S. EPA Media Relations [<mailto:noreply-subscriptions@epa.gov>]

Sent: Friday, December 02, 2016 10:45 AM

To: Ames, Jeremy <Ames.Jeremy@epa.gov>

Subject: EPA Proposes Financial Responsibility Requirements for Hardrock Mining Industry



CONTACT:

Christie St. Clair

(202) 564-2880

stclair.christie@epa.gov

FOR IMMEDIATE RELEASE

December 2, 2016

EPA Proposes Financial Responsibility Requirements for Hardrock Mining Industry

WASHINGTON – Following a court order and Congressional directive under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the U.S. Environmental Protection Agency (EPA) today is taking action to protect American taxpayers by proposing financial responsibility requirements for the hardrock mining industry.

This proposal would require that owners and operators of certain classes of hardrock mines and mineral processing facilities show financial ability to address risks from hazardous substances. Since the 1980s, EPA has spent considerable resources cleaning up contamination from hardrock mines. The most recent analysis, from 2010 to 2014, shows that the Agency spent nearly \$1.1 billion on response and cleanup actions on hardrock mining and mineral processing sites.

"Far too often the American people bear the costs of expensive environmental cleanups stemming from hardrock mining and mineral processing," said Mathy Stanislaus, Assistant Administrator for the agency's Office of Land and Emergency Management. "This proposed rule, once finalized, would move the financial burden from taxpayers, and ensure that industry assumes responsibility for these cleanups. The proposed rule would also give companies an economic incentive to use environmentally protective practices that can help prevent future releases."

This proposal is the result of many years of incremental steps since the Agency identified hard rock mining as the first sector for development of these regulations. The Agency extensively consulted with stakeholders, including small businesses, industry groups, environmental groups, and state and tribal governments.

These proposed requirements complement existing financial responsibility requirements. Facilities that apply environmentally protective practices—including those required by other regulations—may be able to reduce their required amount of financial responsibility under the proposed rule.

In addition, as requested by Congress, EPA published a market capacity study to examine the availability of financial responsibility instruments for this proposal. The study illustrated the likely probability of sufficient providers and capacity to meet requirements of a future CERCLA 108(b) regulation for hardrock mining.

In a separate action, the EPA Administrator also signed a Regulatory Determination Notice stating the agency's determination to issue notices of proposed rulemaking on similar financial responsibility requirements for three additional industries: chemical manufacturing; electric power generation, transmission and distribution; and petroleum and coal products manufacturing. This notice is not a determination that regulatory financial assurance requirements are necessary for any of these three industries. The notice explains that EPA intends to move forward with the regulatory process, which will determine what, if any, financial responsibility requirements are necessary for these industries.

The hardrock mining proposal and the notice on determination for additional classes of industries will be published in the Federal Register in the coming weeks. The proposal will be available for public comment for 60 days following publication in the Federal

Register. EPA invites stakeholders and the public to share their expertise by providing comments on the proposed rule for the hard rock mining industry during the public comment period. EPA is not establishing a public comment period on the Regulatory Determination Notice.

A pre-publication version of the rule is available for review at: <https://www.epa.gov/superfund/superfund-financial-responsibility>.

A pre-publication version of the Regulatory Determination Notice for additional industries may be viewed at: <https://www.epa.gov/superfund/superfund-financial-responsibility>.

R188

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

From: Brown, Byron
Location: 3304 North
Importance: Normal
Subject: CERCLA 108(b)
Start Date/Time: Fri 4/21/2017 3:00:00 PM
End Date/Time: Fri 4/21/2017 4:00:00 PM

I realize some folks are out on Friday, but need to circle back on this issue this week. My schedule is pretty open and can move things around after 10 am to accommodate if there is a better time on Friday.

To: Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Foster, Barbara[Foster.Barbara@epa.gov];
Huff, Mark J[huff.markj@epa.gov]
Cc: ORCR IO[ORCR_IO@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Johnson, Barnes
Sent: Fri 9/8/2017 4:20:53 PM
Subject: FW: Short Primer Justifying No Regulation Under CERCLA 108(b) using NMA Exhibits As Evidence
NMA Final Comments on CERCLA 108b with appendices secured.pdf

FYI -

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | @EPALand

From: Davis, Patrick
Sent: Friday, September 08, 2017 10:10 AM
To: Breen, Barry <Breen.Barry@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>
Subject: FW: Short Primer Justifying No Regulation Under CERCLA 108(b) using NMA Exhibits As Evidence

Incoming from Kevin Bromberg re: 108(b)

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Phone cell

Information sent to this email address may be subject to FOIA.

From: Bromberg, Kevin L. [<mailto:kevin.bromberg@sba.gov>]
Sent: Friday, September 1, 2017 5:47 PM
To: Brown, Byron <brown.byron@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Short Primer Justifying No Regulation Under CERCLA 108(b) using NMA Exhibits As Evidence

The statute requires EPA to regulate only those “classes of facilities, .. which the President (and EPA) determines **presents the highest level of risk of injury.**” 42 U.S.C. Section 9608(b)(1). (emphasis added).

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

In my view, there are two exhibits presented by NMA in its July 11th comments (attached) that

Ex. 5 - Deliberative Process

EXHIBIT #1 – Appendix A to NMA Comments – Federal and State Requirements Comprehensively Address the EPA Requirements

The first exhibit demonstrates that the existing federal and state regulations comprehensively address mining environmental risks through engineering and permitting requirements, and comprehensively address the related bonding requirements. Where a release is detected or anticipated, regulations require corrective action, and provide appropriate bonding. Appendix A

to the NMA comments lists in tables the relevant requirements from 15 states and shows that the states comprehensively address all 13 CERLCA Response categories covered in the proposed rule. Exhibit 1 to Appendix A provides the tables for both the BLM and the USFS which shows equivalent coverage for the 13 categories.

Exhibit #2 – Critique of EPA’s Modern Releases – Tables C-1 and C-2 (Appendix C) – Modern Facilities Pose No Significant Risks Unaddressed by Current Regulations

EPA discusses facilities in the preamble and in the “Releases Report” that suggest that modern facilities pose a high risk of harm to the environment, suggesting that these significant risks are not addressed by current state and Federal regulations. In Appendix C to the NMA comments, Tables C-1 and C-2 address the facilities mentioned in the preamble and the Releases Report.

Ex. 5 - Deliberative Process

Message

From: Sasseville, Sonya [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9302BD775FA84BEBBEOC430316F76C6-SSASSEVI]
Sent: 1/30/2017 11:47:04 PM
To: Lowery, Brigid [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=da8c8861510148a6bdcd084192758505-Lowery, Brigid]; Cohen, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ccbbb5ca54a43d991d65e8c884bfed4-Cohen, Nancy]; Huff, Mark J [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=41b6cc1292534e1f9d67af6f99276dce-Huff, Mark J]
CC: Benjamin, Kent [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b4ef714fe2d04e6991e769140ec001d0-Benjamin, Kent]; Huggins, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0314e81a1f4843fcbbe0910cfddd53f4-Huggins, Richard]; Radtke, Meghan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7a364f0aad54a79be238288fa3496cf-Radtke, Meghan]; Johnson, Barnes [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c39e9338cbf04dc3b4b29f78e5213303-Johnson, Barnes]
Subject: RE: presentation for SBA roundtable
Attachments: REVISED January 10 2017 webinar v5 final.pptx; CERCLA 108(b) HRM Formula Webinar (01-30-2017).pptx

Hi, Brigid, we don't have one together yet, but essentially we plan to use the slides from the two 108(b) webinars that we presented this month. Here are the two webinar presentations.

From: Lowery, Brigid
Sent: Monday, January 30, 2017 5:05 PM
To: Cohen, Nancy <Cohen.Nancy@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: Benjamin, Kent <Benjamin.Kent@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>
Subject: presentation for SBA roundtable

Sonya or Mark, Do you have a presentation for your Friday, SBA roundtable? If so could you send it along to Nancy Cohen The transition team has not asked for it but OPA was wondering.

Bcc: Johnson, Barnes[Johnson.Barnes@epa.gov]
To: Breen, Barry[Breen.Barry@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]
From: Johnson, Barnes
Sent: Thur 5/18/2017 1:00:41 PM
Subject: Fwd: circling back on CERCLA 108 & CCR

FYSA. We will need to discuss.

Sent from my iPhone

Begin forwarded message:

From: "Brown, Byron" <brown.byron@epa.gov>
Date: May 18, 2017 at 8:06:50 AM EDT
To: "Davis, Patrick" <davis.patrick@epa.gov>, "Johnson, Barnes" <Johnson.Barnes@epa.gov>
Cc: "Breen, Barry" <Breen.Barry@epa.gov>, "Michaud, John" <Michaud.John@epa.gov>, "Fotouhi, David" <fotouhi.david@epa.gov>
Subject: circling back on CERCLA 108 & CCR

Hi Patrick and Barnes –

CERCLA 108 – I'd like to follow up with you on doing the supplemental notice. Also, can I get a read out on how the IMCC meeting went?

CCR – can we get together in the next couple of days to go over the USWAG petition and options for responding?

Thanks.

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

To: Breen, Barry[Breen.Barry@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]
Cc: Woolford, James[Woolford.James@epa.gov]
From: Johnson, Barnes
Sent: Wed 11/30/2016 10:33:27 PM
Subject: RE: OLEM briefings

In thinking about this quickly I suggest we stick with the two pagers that have been developed and sent up and not use the additional one pagers. A key driver here is Shannon's indication that we would need to go to OGC if we want to present something other than the papers that have been developed.

Barnes Johnson
USEPA | Resource Conservation and Recovery | Tel 703-308-8895 | johnson.barnes@epa.gov |
@EPAland

-----Original Message-----

From: Breen, Barry
Sent: Wednesday, November 30, 2016 5:11 PM
To: Brooks, Becky <Brooks.Becky@epa.gov>
Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Woolford, James <Woolford.James@epa.gov>
Subject: FW: OLEM briefings

So you have this. Becky, would you confer with Barnes whether he feels additional written materials would be needed on either CCR or 108(b), or just the existing papers. Jim, would you give some thought to whether the 108(b) implementation discussion needs written material, or just oral issue-spotting, and let Becky know your thoughts.

B.

-----Original Message-----

From: Breen, Barry
Sent: Wednesday, November 30, 2016 5:07 PM
To: Kenny, Shannon <Kenny.Shannon@epa.gov>
Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>
Subject: RE: OLEM briefings

Dear Shannon,

Thank you. Barnes Johnson would join me for both CCR and 108(b), and Jim Woolford would also join on the CERCLA 108(b) topic, assuming we can make the schedules work out.

We will think through whether we need any additional written materials, and get back to you on that.

Barry

-----Original Message-----

From: Kenny, Shannon
Sent: Wednesday, November 30, 2016 3:31 PM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>
Subject: OLEM briefings

Hi Barry, the landing team chair has expressed interest in being briefed on the CCR and CERCLA 108(b). I don't think either of these will need to happen until next week, but wanted to know who you would like with you in these briefings and whether you want to work from the issue papers, or use additional

materials. Any additional materials will need to be reviewed by OGC so we would need those by the end of this week if possible.

Thank you!

Shannon

Sent from my iPad

Bcc: Johnson, Barnes[Johnson.Barnes@epa.gov]
Cc: Breen, Barry[Breen.Barry@epa.gov]
To: Davis, Patrick[davis.patrick@epa.gov]
From: Johnson, Barnes
Sent: Sat 5/6/2017 2:41:33 PM
Subject: Re: May 16 Meeting in Denver with EPA/States

Yes. Me, Sonya Sasseville, Mark Huff, Pat McGrath (mine expert from R10), possibly R8 representatives, plus some others to call in.

As Beth indicates you would be welcome. Would you like to join us? If so I can share more background information but it's going to be at the Western Governors Association offices in downtown Denver.

Sent from my iPhone

On May 5, 2017, at 6:58 PM, Davis, Patrick <davis.patrick@epa.gov> wrote:

Barnes,

Is anyone else from our shop attending this meeting in Denver?

Patrick

Sent from my iPhone

Begin forwarded message:

From: "Beth Botsis" <bbotis@imcc.isa.us>
Date: May 5, 2017 at 5:59:47 PM EDT
To: <davis.patrick@epa.gov>
Cc: "Greg Conrad" <gconrad@imcc.isa.us>
Subject: May 16 Meeting in Denver with EPA/States

Dear Patrick:

On Tuesday our staff (Greg Conrad, Ryan Ellis, and myself) here at the Interstate Mining Compact Commission (IMCC) met with Ken Wagner, Byron Brown, and Tate Bennett at EPA headquarters regarding the CERCLA 108(b) Proposed Rule, among other things. They told us you would likely be the EPA person representing the new Administration who will attend the May 16 meeting we have scheduled between EPA and several hardrock mining states on CERCLA 108(b) in Denver. I am following up to confirm whether you will be able to attend. If so, I want to be sure to provide you with any information you need regarding the meeting (time,

location, etc.).

We hope to have you join us for this meeting, and look forward to meeting you. Do not hesitate to contact us if you have any questions.

Best regards,

Beth

Beth A. Botsis

Deputy Executive Director

Interstate Mining Compact Commission

445A Carlisle Drive

Herndon, VA 20170

Ph: 703.709.8654

Fax: 703.709.8655

Email: bbotsis@imcc.isa.us

Website: www.imcc.isa.us

<image001.png>

Message

From: Grantham, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12A3C2ED7158417FB0BB1B1B72A8CFB0-GRANTHAM, NANCY]
Sent: 2/23/2017 11:25:40 PM
To: Konkus, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=555471b2baa6419e8e141696f4577062-Konkus, Joh]; Ericksen, Doug [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2ee75a14316345c59f36a32ed1b7dab1-Ericksen, D]
CC: Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]
Subject: White House Report for February 23
Attachments: Document1 (006) (003) (003) (002) (002).docx

Please let me know if you need anything further.

Thanks ng

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
Cc: Michaud, John[Michaud.John@epa.gov]
From: Lewis, Jen
Sent: Thur 12/1/2016 11:21:08 PM
Subject: Re: 108(b) - SBREFA Panel late hold up

I don't think you need to stay, as long as you monitor email. You could always swing by his office one more time on the way out. I'll monitor email while you're in transit.

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

On Dec 1, 2016, at 6:15 PM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

Thanks.

Ex. 5 - Attorney Client and Deliberative Process

-R

From: Lewis, Jen
Sent: Thursday, December 01, 2016 6:12 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: Re: 108(b) - SBREFA Panel late hold up

Ex. 5 - Attorney Client and Deliberative Process

Jen Lewis

Deputy Associate General Counsel

Solid Waste and Emergency Response Law Office

(202) 564-2097

On Dec 1, 2016, at 6:09 PM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

Attorney-client communication

Deliberative process privileged

Hi Avi –

I'm writing to give you a heads-up.

Ex. 5 - Attorney Client and Deliberative Process

Please let me know if want to discuss further. John and Jen are available by phone as well.

Thanks,

Rob S.

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Barr, Linda
Sent: Thursday, December 01, 2016 5:09 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Krueger, Anna <Krueger.Anna@epa.gov>; Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: Fw: Sorry about this addition - but Advocacy recommendation was switched from consensus to nonconsensus - and that changes the context. PANEL REPORT ADDITION

FYI - Forwarding follow up from Charley.

From: Maresca, Charles A. <Charles.Maresca@sba.gov>
Sent: Thursday, December 1, 2016 5:06 PM
To: Jones, Danielle Y. EOP/OMB; kevin.bromberg@sba.gov; Laity, Jim A. EOP/OMB; Wiggins, Lanelle; Barr, Linda; Sasseville, Sonya
Cc: McManus, Michael J.; Nickerson, William
Subject: RE: Sorry about this addition - but Advocacy recommendation was switched from consensus to nonconsensus - and that changes the context. PANEL REPORT ADDITION

Danielle,

Advocacy truly appreciates all the work that EPA and OMB have put into this panel,

particularly this past week. Bill and I have discussed the summary paragraph which

Ex. 5 - Deliberative Process

Sincerely,

Charley

From: Jones, Danielle Y. EOP/OMB [mailto:[mailto:Ex. 6 - Personal Privacy email](#)]
Sent: Thursday, December 01, 2016 4:45 PM
To: Bromberg, Kevin L.; Laity, Jim A. EOP/OMB; Wiggins, Lanelle; Barr, Linda; Sasseville, Sonya (Sasseville.Sonya@epa.gov)
Cc: McManus, Michael J.; Maresca, Charles A.; Nickerson, William
Subject: RE: Sorry about this addition - but Advocacy recommendation was switched from consensus to nonconsensus - and that changes the context. PANEL REPORT ADDITION
Importance: High

Kevin,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Best,

Danielle

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Bromberg, Kevin L. [mailto:kevin.bromberg@sba.gov]

Sent: Thursday, December 1, 2016 4:34 PM

To: Jones, Danielle Y. EOP/OMB <Ex. 6 - Personal Privacy email> Laity, Jim A. EOP/OMB <James_A_Laity@omb.eop.gov>; Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>; Sasseville, Sonya (Sasseville.Sonya@epa.gov) <Sasseville.Sonya@epa.gov>

Cc: McManus, Michael J. <michael.mcmanus@sba.gov>; Maresca, Charles A. <Charles.Maresca@sba.gov>; DePriest, Darryl L. <Darryl.DePriest@sba.gov>

Subject: RE: Sorry about this addition - but Advocacy recommendation was switched from consensus to nonconsensus - and that changes the context. PANEL REPORT ADDITION

Ex. 5 - Deliberative Process

From: Bromberg, Kevin L.

Sent: Thursday, December 01, 2016 4:26 PM

To: Danielle Y jones@Ex. 6 - Personal Privacy email; jlaity@Ex. 6 - Personal Privacy email; 'Wiggins, Lanelle'; Barr, Linda; Sasseville, Sonya (Sasseville.Sonya@epa.gov)

Cc: McManus, Michael J.; Maresca, Charles A.; DePriest, Darryl L.

Subject: Sorry about this addition - but Advocacy recommendation was switched from consensus to nonconsensus - and that changes the context. PANEL REPORT ADDITION

LAST FULL PARAGRAPH IN ADVOCACY RECOMMENDATIONS:

Ex. 5 - Deliberative Process

We welcome editorial or other edits to the Advocacy recommendation, as appropriate for a panel report.

Working through the document and finding multiple typos, grammar - EPA is helping out on the review

My apologies for this revision

Kevin

To: Bromberg, Kevin L.[kevin.bromberg@sba.gov]; Huff, Mark J[huff.markj@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]
Cc: Mattick, Richard[Mattick.Richard@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Sasseville, Sonya
Sent: Fri 4/28/2017 8:22:55 PM
Subject: RE: CERCLA - 108(b) - Excluded Categories

Kevin, we are discussing this issue and will get back to you.

From: Bromberg, Kevin L. [<mailto:kevin.bromberg@sba.gov>]
Sent: Friday, April 28, 2017 3:34 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Mattick, Richard <Mattick.Richard@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: CERCLA - 108(b) - Excluded Categories

Any thoughts on this yet?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kevin

From: Bromberg, Kevin L.
Sent: Tuesday, March 28, 2017 4:47 PM
To: Sasseville, Sonya (Sasseville.Sonya@epa.gov); Huff, Mark J (huff.markj@epa.gov); Stachowiak, Robert (Stachowiak.Robert@epa.gov)
Cc: Mattick, Richard; Brown, Byron (brown.byron@epa.gov)
Subject: CERCLA - 108(b) - Excluded Categories

This is an outgrowth of the SBA Advocacy February 3 Roundtable discussion of the ambiguity surrounding the 59 minerals to be excluded by the proposal. See the attached two memoranda for more detailed explanation. EPA did not clearly exclude these categories in the preamble nor in the regulatory language.

The conclusion of the second memo and the request from the Industrial Minerals

Association appears below:

“EPA should address these issues and clarify the intended scope of the proposed rule immediately. Otherwise the regulated community will be forced to comment on a proposed rule

that is so vague as to scope that it is impossible to determine what the universe of covered

facilities is. Declining to address these issues now would severely limit EPA’s ability to clarify

these issues after the comment period closes.¹² At a minimum EPA’s clarification should include:

☐ A statement that the proposed rule language will be amended to clarify that facilities that

process the 59 commodity sectors listed in the Hoffman Memo are not subject to the proposed rule;

☐ Clearer definitions for the excluded and included commodity sectors where necessary;”

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

We are meeting with Samantha Dravis on Friday to address this rule and other matters.

Kevin

From: Mark Ellis [<mailto:markellis@ima-na.org>]
Sent: Friday, March 24, 2017 3:43 PM
To: Bromberg, Kevin L.
Cc: Ben Machlis; barringers@gtlaw.com; Darrell Smith; Mark Ellis
Subject: FW: CERCLA Strategy

Kevin--

Good seeing you today at the SBA Labor Safety Roundtable. As promised, please find attached the second of two memos summarizing our concerns with EPA's CERCLA 108(b) proposal. The first memo, which you received previously, also is attached for convenient reference.

We appreciate your offer to share these memos with the EPA program area staff and the Solicitor's office representatives who participated in the SBA Environmental Roundtable the Office of Advocacy hosted on February 3. If you wish, please feel free to share them with others at EPA, including potentially Byron Brown in the Administrator's office. We believe the memos outline issues that EPA will want to address.

Please do not hesitate to contact me should you have any questions, comments or suggestions regarding these matters.

'Have a good weekend.

Best--

Mark

Mark G. Ellis
President
Industrial Minerals Association - North America
National Industrial Sand Association
1200 18th Street, NW, Suite 1150
Washington, DC 20036
(202) 457-0200
(202) 457-0287 (Fax)
markellis@ima-na.org
markellis@sand.org



From: Ben Machlis [<mailto:MBMachlis@hollandhart.com>]
Sent: Friday, March 24, 2017 2:10 PM
To: Mark Ellis
Cc: Darrell Smith; barringers@gtlaw.com
Subject: RE: CERCLA Strategy

Mark –

PDFs of the two memos are attached. Thanks for getting these to Kevin.

Ben

Ben Machlis
Holland & Hart LLP
222 South Main Street, Suite 2200

Salt Lake City, UT 84101
Phone (801) 799-5915
Cell: **Ex. 6 - Personal Privacy**
E-mail: mbmachlis@hollandhart.com



CONFIDENTIALITY NOTICE: This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error; then please delete this e-mail. Thank you.

To: Sullivan, John (ENRD)[John.Sullivan3@usdoj.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Bogan, Shanedda L. (ENRD)
Sent: Fri 8/4/2017 6:26:41 PM
Subject: RE: Idaho Conservation--CERCLA Section 108(b) Financial Assurance Rule for the Hard Rock Mining Industry

Meeting confirmed Wednesday, August 9th 4:00-5:00 RFK-2143.

Thanks,

Shanedda

From: Sullivan, John (ENRD)
Sent: Thursday, August 03, 2017 2:51 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Bogan, Shanedda L. (ENRD) <SBogan@ENRD.USDOJ.GOV>
Subject: FW: Idaho Conservation--CERCLA Section 108(b) Financial Assurance Rule for the Hard Rock Mining Industry

Hi Rob.

Jon Brightbill plans to attend. His scheduler is Shanedda Bogan.

John

From: Brightbill, Jonathan (ENRD)
Sent: Thursday, August 03, 2017 2:46 PM
To: Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>

Cc: Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Bogan, Shanedda L. (ENRD) <SBogan@ENRD.USDOJ.GOV>
Subject: Re: Idaho Conservation--CERCLA Section 108(b) Financial Assurance Rule for the Hard Rock Mining Industry

Yes, I'll plan to attend. Copying in Shanedda to help coordinate the scheduling.

Thank you

Jonathan D. Brightbill

Deputy Assistant Attorney General

Environment and Natural Resources Division
U.S. Department of Justice

950 Pennsylvania Avenue, N.W., Room 2133

Washington, D.C. 20530

Office: (202) 514-2766

Mobile: Ex. 6 - Personal Phone

Jonathan.Brightbill@usdoj.gov

On Aug 3, 2017, at 2:42 PM, Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV> wrote:

Jon,

It was a pleasure speaking with you yesterday. My contact at EPA's Office of General Counsel, Rob Stachowiak, said that David Fotouhi, Charles Openchowski (Acting Assistant General Counsel), and Rob would like to meet with us next week to discuss the hard rock mining rule and Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Jon, please let me know if you would like to attend. If so, please send me the contact information for your scheduler and I will put your scheduler in touch with David's scheduler so we can work out a convenient time in place.

John

John E. Sullivan

U.S. Department of Justice

Environment and Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044-7611

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To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
Cc: Bogan, Shanedda L. (ENRD)[Shanedda.Bogan@usdoj.gov]
From: Sullivan, John (ENRD)
Sent: Thur 8/3/2017 6:51:23 PM
Subject: FW: Idaho Conservation--CERCLA Section 108(b) Financial Assurance Rule for the Hard Rock Mining Industry

Hi Rob.

Jon Brightbill plans to attend. His scheduler is Shanedda Bogan.

John

From: Brightbill, Jonathan (ENRD)
Sent: Thursday, August 03, 2017 2:46 PM
To: Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>
Cc: Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Bogan, Shanedda L. (ENRD) <SBogan@ENRD.USDOJ.GOV>
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To: Breen, Barry[Breen.Barry@epa.gov]
Cc: Brooks, Becky[Brooks.Becky@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]
From: Kenny, Shannon
Sent: Sat 11/19/2016 2:13:15 AM
Subject: Re: ER/COOP briefing for landing team

Hi Barry, while your folks are checking will you also check Barnes' and other relevant ODs' schedules as well, given likely landing team interest in CCR and CERCLA 108(b) at a minimum.

Thank you!
Shannon

Sent from my iPad

> On Nov 18, 2016, at 4:19 PM, Breen, Barry <Breen.Barry@epa.gov> wrote:
>
>
> Dear Shannon,
>
> Thank you. Yes, I agree, attendees from OLEM should be Reggie Cheatham and me, or, if needed for scheduling, Becki Clark and me.
>
> Becky, on Monday, would you help get the availability dates to Shannon and her colleagues?
>
> Barry
>
> -----Original Message-----
> From: Kenny, Shannon
> Sent: Friday, November 18, 2016 8:52 AM
> To: Breen, Barry <Breen.Barry@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Kling, David <Kling.Dave@epa.gov>
> Cc: Gentile, Laura <Gentile.Laura@epa.gov>; Pritchard, Eileen <Pritchard.Eileen@epa.gov>
> Subject: ER/COOP briefing for landing team
>
> Barry, Dave and Nancy,
> I'm optimistically working under the assumption that Landing Team briefings will begin to occur the week after Thanksgiving. I think a briefing on EPA's role in emergencies will be an important one to do in the first two weeks. Could you all let me know if you have any scheduling constraints those two weeks? We will want to work with their schedules as much as possible, but I know we all have unmoveable things like travel or external meetings, and I'd like to be aware of those upfront to keep the process simple.
>
> Barry, pls let me know who from your office you would like to attend. Matt F strongly counseling DAA and OD level only, so I assume you will want Reggie with you, but let me know if you have other thoughts.
>
> Shannon
>
> Sent from my iPad

Message

From: Chang, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=45068FFDD29E4AE699263BE4219D70A0-CHANG, PATRICK]
Sent: 12/1/2016 9:42:12 PM
To: Stachowiak, Robert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2710013bd33a44ab823c8e6d9b94275a-RSTACHOW]
Subject: RE: Status

Thanks! And good luck over the next 78 minutes.

Patrick S. Chang
US EPA, Office of General Counsel, Solid Waste & Emergency Response Law Office
202/564-1528 (office); 202/564-5416 (fax)

From: Stachowiak, Robert
Sent: Thursday, December 01, 2016 4:40 PM
To: Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>
Subject: Status

The rule/preamble is with OMB and they are reviewing. PARMS is getting the materials printed and ready to go to OP once they clear.

Barnes is about to sign the panel report for transmission to OMB/SBA (SBA needs to sign by 5pm).

PARMS is hopeful we have signature by 6pm.

Other Classes – it's all done, just waiting to go with the HRM rule for signature at the same time.

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

Message

From: Grantham, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12A3C2ED7158417FB0BB1B1B72A8CFB0-GRANTHAM, NANCY]
Sent: 2/13/2017 10:06:13 PM
To: Konkus, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=555471b2baa6419e8e141696f4577062-Konkus, Joh]; Ericksen, Doug [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2ee75a14316345c59f36a32ed1b7dab1-Ericksen, D]
CC: Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]
Subject: february 13 white house report
Attachments: Document1 (006).docx

Please let me know if you need anything further. Thanks ng

To: Openchowski, Charles[openchowski.charles@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Rourke, Larry
Sent: Mon 8/7/2017 7:02:53 PM
Subject: FW: ENRD Requests meeting with David Fotouhi and Charles Openchowski?

See Shanedda's message, below. Thanks.

From: Bogan, Shanedda L. (ENRD) [mailto:Shanedda.Bogan@usdoj.gov]
Sent: Monday, August 07, 2017 2:28 PM
To: Jones, Gail-R <Jones.Gail-R@epa.gov>; Rourke, Larry <Rourke.Larry@epa.gov>
Subject: RE: ENRD Requests meeting with David Fotouhi and Charles Openchowski?
Importance: High

Gail and Larry,

Due to schedule conflict we need to move the start time of this meeting to 4:30 on Wednesday is that ok with your group?

Thanks,

Shanedda

From: Bogan, Shanedda L. (ENRD)
Sent: Friday, August 04, 2017 2:28 PM
To: 'Jones, Gail-R' <Jones.Gail-R@epa.gov>; Rourke, Larry <Rourke.Larry@epa.gov>
Subject: RE: ENRD Requests meeting with David Fotouhi and Charles Openchowski?

Thank you both.

Let's do Wednesday, August 9th 4:00-5:00, I will send out the meeting notice shortly.

Thanks,

Shanedda

From: Jones, Gail-R [<mailto:Jones.Gail-R@epa.gov>]

Sent: Friday, August 04, 2017 1:58 PM

To: Bogan, Shanedda L. (ENRD) <SBogan@ENRD.USDOJ.GOV>; Rourke, Larry <Rourke.Larry@epa.gov>

Subject: RE: ENRD Requests meeting with David Fotouhi and Charles Openchowski?

Good afternoon,

Wednesday: 3:30-6:00

Thursday: 4:30-6:00

Thanks

From: Bogan, Shanedda L. (ENRD) [<mailto:Shanedda.Bogan@usdoj.gov>]

Sent: Friday, August 04, 2017 10:15 AM

To: Jones, Gail-R <Jones.Gail-R@epa.gov>; Rourke, Larry <Rourke.Larry@epa.gov>

Subject: ENRD Requests meeting with David Fotouhi and Charles Openchowski?

Good morning Gail and Larry,

Jon Brightbill (DAAG/ENRD) would like to meet with David and Charles next week, see below.

Here are a few time slots that all work for Jon, please let me know which works best for David and Charles.

Monday: 1:00-3:00

Tuesday: 4:30

Wednesday: 3:30-6:00

Thursday: 10:00-12:00 and 3:30-6:00

Friday: 10:00-12:00

Thanks,

Shanedda L. Bogan

Executive Assistant to the Assistant Attorney General

Environment and Natural Resources Division

Department of Justice

950 Pennsylvania Ave., NW

Room 2141

Washington, DC 20530

202-514-2701

202-514-0557 (fax)

shanedda.bogan@usdoj.gov

On Aug 3, 2017, at 2:42 PM, Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV> wrote:

Jon,

It was a pleasure speaking with you yesterday. My contact at EPA's Office of General Counsel, Rob Stachowiak, said that David Fotouhi, Charles Openchowski (Acting Assistant General Counsel), and Rob would like to meet with us next week to discuss the hard rock mining rule and **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process Jon, please let me know if you would like to attend. If so, please send me the contact information for your scheduler and I will put your scheduler in touch with David's scheduler so we can work out a convenient time in place.

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To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Rourke, Larry
Sent: Fri 8/4/2017 4:48:07 PM
Subject: FW: ENRD Requests meeting with David Fotouhi and Charles Openchowski?

Rob,

Per Charles' suggestion, please see the e-mails below and let me know which time(s) work for you.

Thanks!

From: Openchowski, Charles
Sent: Friday, August 04, 2017 12:41 PM
To: Rourke, Larry <Rourke.Larry@epa.gov>
Subject: Re: ENRD Requests meeting with David Fotouhi and Charles Openchowski?

hi Larry,

Tuesday, Wednesday and Thursday afternoon slots all work for me, I can move my currently-scheduled meetings on Monday afternoon if that turns out to be better for everyone else.

Also, since this is about 108(b), Rob should be there too (he's mentioned in the bottom email) -- could you bring him into the loop? thanks

From: Rourke, Larry
Sent: Friday, August 4, 2017 10:40:58 AM
To: Openchowski, Charles
Subject: FW: ENRD Requests meeting with David Fotouhi and Charles Openchowski?

Charles,

Please see the e-mail below and pick out any time(s) that will work for you. Thanks!

From: Bogan, Shanedda L. (ENRD) [<mailto:Shanedda.Bogan@usdoj.gov>]
Sent: Friday, August 04, 2017 10:15 AM
To: Jones, Gail-R <Jones.Gail-R@epa.gov>; Rourke, Larry <Rourke.Larry@epa.gov>
Subject: ENRD Requests meeting with David Fotouhi and Charles Openchowski?

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Thanks,

Shanedda L. Bogan

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202-514-2701

202-514-0557 (fax)

shanedda.bogan@usdoj.gov

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